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10/561,604	12/20/2005	Peter Bilowol	A-9822	6462
7590 Hoffman Wasson Gitler Crystal Center 2 Suite 522 2461 South Clark Street Arlington, VA 22202				
07/07/2009				
EXAMINER				
HUJAZ, OMAR F				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,604

Applicant(s)

BILOWOL, PETER

Examiner

OMAR HIJAZ

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The Amendment filed on March 10, 2009 has been entered. Claims 1-25 have been cancelled, and claims 26-48 have been added. Therefore, claims 26-48 are now pending in the application.

Response to Amendment

1. The previous claim amendments have been withdrawn in light of applicant's cancellation of claims.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "floor slab" as claimed in claim 38, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 28, 31, 40, and 43 are objected to because of the following informalities:

As per claim 28, the recitation "utilising" should be --utilizing--.

As per claim 31, the recitation "devise" should be --device--.

As per claim 40, the recitation "spaces" should be --spacers--.

As per claim 43, the recitation "by straps" should be --by said straps--.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 26-37 and 39-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 26, at lines 8-9, the recitation "some individual modules or panels are transversely opposed" renders the claim indefinite because the word "some" is ambiguous. In addition, at lines 10-11, the recitation "the spaced and tied modules to individual module or panel relationship" is unclear. In addition, at line 11, the recitation "can be assembled in a variety of formations" renders the claim indefinite because the phrase "a variety of formations" is ambiguous.

As per claims 28 and 30, at lines 2-3, the recitations "can be prised out" render the claim indefinite because it is unclear what this means.

As per claim 29, at lines 1-2, the recitation "wherein push-in ties which can attach modules to panels on any vertical or horizontal connectable edge" renders the claim indefinite because this sentence is incomplete and unclear.

As per claim 32, at lines 3-4, the recitation "the spherical border walls" lacks antecedent basis. In addition, at line 4, the recitation "which do not have these features" renders the claim indefinite because it is unclear as to what "features" are being referred to.

As per claim 33, at lines 1-2, the recitation "wherein individual transversely opposed modules or panels connected or abutted to spaced and tied modules renders the claim indefinite because this sentence is incomplete and unclear.

As per claim 34, at lines 2-3, the recitation "comprises in any consecutive row of formwork is in reverse formation" renders the claim indefinite because it is unclear.

As per claim 37, at line 1, the recitation "this relationship spaced and tied modules can be surrounded" renders the claim indefinite because it is unclear, and further it is unclear as to what "relationship" is being referred to.

As per claim 40, at line 3, the recitation "the unspaced and untied individual module or panel" lacks antecedent basis.

As per claim 41, at line 2, the recitation "relationship can alternate in formation" renders the claim indefinite because it is unclear and ambiguous.

As per claim 44, at line 1, the recitation "the bracing devices" renders the claim indefinite because multiple bracing elements have been claimed in claim 26 and claim 43 and it is unclear as to which one applicant is referring to.

As per claim 48, at lines 2-3, the recitation "and if connected to the spaced ties" renders the claim indefinite because it is ambiguous language.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 26, 28-42, and 45-47, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Sedran (International Pub. WO 02/48479 A2).

As per claims 26 and 35, Sedran discloses a method of construction for concrete beams or walls (abstract) comprising the following steps of: setting rows of a plurality of boxing modules in an end to end relationship to create formwork (as illustrated, the modules are in an end to end relation; largest figure of drawing page 20/27); fastening adjoining surfaces or abutting ends of the modules or panels (as illustrated, the abutting ends of the modules are fastened via pins; largest figure of drawing page 20/27); spacing the formwork by a plurality of spacers which span between the module panels and are fixed by bolts, or push in ties (as illustrated, two formworks are spaced with spacers B; largest figure of drawing page 20/27); bracing and strengthening the formwork as required with straps, beams or angle irons which can also accept spacers

and ties which can abut and connect to modules or panels (as illustrated, the spacers are straps B connecting the modules together; largest figure of drawing page 20/27); setting reinforcement means between the formwork as required (insertion of metal and/or fiber cores; page 5, lines 4-5); and (h) pouring concrete or any other settable substance into the formwork (for concrete casting; abstract).

As per claim 28, Sedran teaches boxing modules are joined utilising slots in side and end walls of the modules (as illustrated, the modules are connected by the pins extending through slots in the sides of the modules; largest figure of drawing page 20/27).

As per claims 29 and 34, Sedran teaches push in ties which can attach modules to panels on any vertical or horizontal connectable edge (as illustrated, the push ties between modules are capable of connecting elements vertically and horizontally; largest figure of drawing page 20/27 and figure on drawing page 21/27).

As per claim 30, Sedran teaches the quick release clamping device is a wedge (connection wedges; abstract) which can be prized out.

As per claim 31, Sedran teaches the straps, beams or angle irons can connect to spaced and tied modules as well as individual modules or panels and also act as a clamping devices (the straps B are capable of acting as clamping elements).

As per claim 32, Sedran teaches the individual module comprises a rectilinear front face (largest figure of drawing page 20/27), a peripheral border wall extending from the front face (largest figure of drawing page 20/27), two spaced pairs of bolt sockets in major surfaces of the module and a plurality of opposed slots in the opposite border

walls of the module (largest figure of drawing page 20/27) which can connect or abut to panels which do not have these features (the module assemblies are capable of this).

As per claim 33, Sedran teaches individual transversely opposed modules or panels connected or abutted to spaced and tied modules (largest figure of drawing page 20/27).

As per claim 36, Sedran teaches the elements of the straps, beams or angle irons are adjusted to increase the strength of the same (as illustrated, the straps B have holes; largest figure of drawing page 20/27; which allow for force adjustment; page 13, lines 10-15).

As per claim 37, Sedran teaches modules can be surrounded by individual transversely opposed modules or panels in a continual formation (as illustrated, the modules are surrounded by opposed faced modules; figure of drawing page 24/27).

As per claim 38, Sedran teaches a method of creating a formwork (abstract) for a horizontal column from a plurality of modules supporting the formwork from a load bearing surface below and integrating the columns with a floor slab (figure on drawing page 23/27).

As per claim 39, Sedran teaches the straps, beams and angle irons can accept ties, to increase strength of the same (the straps B include holes and are therefore capable of accepting ties).

As per claim 40, Sedran teaches the joined boxing modules are made parallel by a plurality of spacers spanning between the modules which are supporting or abutting various connectable surfaces of the unspaced and untied individual module or panel (as

illustrated, two formworks are spaced with spacers B; largest figure of drawing page 20/27).

As per claim 41, Sedran teaches the spaced and tied modules to individual module or panel relationship can alternate in formation continuously in any one row (as illustrated, the modules are capable of being arranged in alternate formations; figure on drawing page 24/27).

As per claim 42, Sedran teaches the spaced and tied module to panel relationship can be in a vertical or horizontal stacked formation (as illustrated, the modules can be stacked vertically or horizontally; largest figure of drawing page 20/27 and figure on drawing page 21/27).

As per claim 45, the method of how the modules are formed holds little patentable weight.

As per claim 46, Sedran teaches external comers joined or abutted can create vertical columns (as illustrated, the corners are capable of being formed with vertical columns; figure on drawing page 21/27).

As per claim 47, Sedran teaches the modules are provided with internal or external stiffening (as illustrated, the modules have internal stiffening features on the outer wall portions; largest figure of drawing page 20/27).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 27, 43, 44, and 48, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sedran (International Pub. WO 02/48479 A2) in view of Boeshart (U.S. Patent No. 4,936,540).

As per claim 27, Sedran fails to disclose the spacers may be hollow tubular members or push-in ties.

Boeshart teaches push-ties (brackets 42).

Therefore from the teaching of Boeshart, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the spacer rods of Sedran to include a tie fixing means as taught by Boeshart in order to adjust the spacing between the forms (col. 4, lines 26-29).

As per claims 43 and 44, Sedran discloses the formwork is braced and stiffened externally by straps or beams or angle irons, or any combination of the three (as illustrated, two formworks are spaced with spacers B; largest figure of drawing page 20/27) but fails to disclose the formwork is braced and stiffened internally by vertical and horizontal reinforcement bars connected to the spaced ties.

Boeshart teaches a concrete form assembly (abstract) with internal horizontally spaced reinforcing rods 38 (figure 10).

Therefore from the teaching of Boeshart, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the spacer rods of Sedran to include internal horizontal reinforcing bars as taught by Boeshart in order to further strengthen the concrete structure.

As per claim 48, Sedran fails to disclose vertical and horizontal reinforcing bars which extend from the ends and top and bottom surfaces of the formwork.

Boeshart teaches a concrete form assembly (abstract) with internal horizontally spaced reinforcing rods 38 (figure 10). In addition it is well known in the art to utilize horizontal and vertical reinforcing bars through a concrete form structure in order to strengthen the final structure.

Therefore from the teaching of Boeshart, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the spacer rods of Sedran to include internal horizontal reinforcing bars as taught by Boeshart in order to further strengthen the concrete structure.

Response to Arguments

10. Applicant's newly drafted claims have been considered but are moot in view of the new ground(s) of rejection. New reference Sedran (International Pub. WO 02/48479 A2) has been added to overcome the new claims.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR HIJAZ whose telephone number is (571)270-5790. The examiner can normally be reached on Mon-Fri 9:30 a.m. - 7:00 p.m. (alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OFH

/Brian E. Glessner/
Primary Examiner, Art Unit 3633